

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

IN RE:
DAVID MICHAEL MOBLEY, §
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§
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§
§
DEBTOR.

CASE NO. 22-60004
CHAPTER 11
§

**APPLICATION OF THE UNITED STATES TRUSTEE
FOR ORDER APPROVING APPOINTMENT OF EXAMINER**

BLR 9013-1(b) NOTICE: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE CHRISTOPHER M. LOPEZ
UNITED STATES BANKRUPTCY JUDGE:

Kevin M. Epstein, the United States Trustee for Region 7 (the “Applicant”), hereby applies to the Court pursuant to Fed. R. Bankr. P. 2007.1(c) for an order approving the appointment of Drew McManigle as examiner, and in support thereof, states as follows:

1. On January 27, 2023, the Court entered the *Order Appointing Examiner*, directing the Applicant to appoint an examiner. *See* Dkt. No. 175.

2. The Applicant has appointed Drew McManigle (“Mr. McManigle”) to serve as examiner. Mr. McManigle is the founder and CEO of MACCO Restructuring Group LLC with

more than 30 years of experience in serving in leadership and fiduciary roles such as chief restructuring officer, chapter 11 trustee, chapter 11 plan liquidating trustee, receiver and assignee, and as Sub-Chapter V 11 trustee in the Southern District of Texas. Mr. McManigle's office is located at 711 Louisiana St., Ste. 1300, Houston, Texas, 77002. His telephone number is (410) 350-1839. The Applicant has selected Mr. McManigle because he is well qualified to serve as examiner. Mr. McManigle has the knowledge and experience required to fulfill the duties required of the examiner in this case.

3. Counsel for the Applicant has consulted with the following parties in interest regarding the appointment of an examiner:

- a. Steven Sather and Jerome Brown as Counsel for Debtor; and
- b. Walter Cicack as Counsel for Quality Lease and Rental Holdings, LLC, Quality Lease Rental Service, LLC, Quality Lease Service, LLC and Rocaceaia, LLC (collectively, the "Quality Parties").

4. To the best of the Applicant's knowledge, Mr McManigle's connections with the Debtors, creditors, any other parties in interest, their respective attorneys and accountants, the United States Trustee, and persons employed in the Office of the United States Trustee, are limited to the connections set forth in the Verified Statement filed in support of this Application.

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WHEREFORE, Applicant requests that the Court enter an order approving the appointment of Drew McManigle as examiner in the above-captioned cases.

Dated: February 14, 2023

Respectfully Submitted,

KEVIN M. EPSTEIN
UNITED STATES TRUSTEE

By: /s/ Jayson B. Ruff
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CERTIFICATION

The undersigned hereby certifies that, to the best of my knowledge, information and belief, the factual statements in the foregoing pleading are accurate.

/s/ Jayson B. Ruff
Jayson B. Ruff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic means via ECF transmission to all Pacer System participants in these bankruptcy cases, on the 14th day of February, 2023.

/s/ Jayson. B. Ruff
Jayson B. Ruff